

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

## STAFF REPORT

Hearing Date/Agenda Number  
P.C. 11/20/02 Item: 4.d.

File Number  
PDC 02-056

Application Type  
Planned Development Rezoning

Council District  
3

Planning Area  
Central

Assessor's Parcel Number(s)  
472-07-049, -061, -074

### PROJECT DESCRIPTION

Completed by: John Davidson

Location: East side of Bonita Avenue, 200 feet northerly of Herald Avenue.

Gross Acreage: 1.37

Net Acreage: 1.27

Net Density: 25.2 DU/AC

Existing Zoning: A(PD) Planned Development

Existing Use: vacant

Proposed Zoning: A(PD) Planned  
Development

Proposed Use: up to 32 single-family attached dwelling units

### GENERAL PLAN

Completed by: JED

Land Use/Transportation Diagram Designation  
Medium High Density Residential (12-25 DU/AC)

Project Conformance:  
☐ Yes ☐ No  
☒ See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: JED

North: Mobile Home Park

R-MH Mobile Home District

East: US 101 Freeway

No zoning designation

South: Duplex

R-2 Residence

West: Single-family Residential

R-2 Residence

### ENVIRONMENTAL STATUS

Completed by: JED

☐ Environmental Impact Report certified  
☒ Negative Declaration circulated on October 31, 2002  
☐ Negative Declaration adopted on

☐ Exempt  
☐ Environmental Review Incomplete

### FILE HISTORY

Completed by: JED

Annexation Title: McLaughlin No. 18

Date: 2/1/1986

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☐ Approval  
☒ Approval with Conditions  
☐ Denial

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
☐ Action  
☒ Recommendation

### APPLICANT/OWNER

Bonita Condos, LLC  
Attn: Greg Blackwell  
715 N. First Street  
San Jose, CA 95112

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**PUBLIC AGENCY COMMENTS RECEIVED****Completed by: JED****Department of Public Works**

See attached memo

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**Other Departments and Agencies**

See attached memos from Fire Department and Environmental Services Department

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**GENERAL CORRESPONDENCE**

None received

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The applicant is proposing a Planned Development Rezoning to allow up to 32 single-family attached units on a 1.27 acre site on the east side of Bonita Avenue, 200 feet northerly of Herald Avenue.

The subject site is vacant and is surrounded by mobile homes to the north, US101 Freeway to the east, a duplex to the south, and single-family residences and duplexes to the west across Bonita Avenue. The elevated US Highway 101/Interstate 280 connector is immediately east of the site.

The project consists of three six-unit buildings and two seven-unit buildings accessed from a single central private driveway from Bonita Avenue. The unit mix includes twenty-two two-bedroom units and ten three-bedroom units. None of the units have enclosed garages. All of the on-site parking is provided either along the entry driveway or in a surface parking area directly west of the Highway 101/280 connector. A total of 60 parking spaces are provided, in conformance with Zoning Ordinance Requirements. The five buildings are two stories and 32 feet in height and feature stucco exteriors with vinyl windows. Hipped roofs are proposed, with gable elements, finished with cement 'S' tiles. This project does not include the tot lot approved under the previous Planned Development Zoning.

**ENVIRONMENTAL REVIEW**

An Initial Study was prepared for this project and a Negative Declaration was circulated by the Director of Planning on October 31, 2002. Noise is the major environmental issue. The Initial Study included a noise report that addressed impacts to the proposed project from noise from Highways 101 and 280. Mitigation measures identified in that report have been incorporated into the project.

The City of San Jose Noise Element in the General Plan utilizes the Day-Night Level (DNL) 24-hour noise descriptor to define community noise impacts, and specifies that exterior noise exposures at residential areas not exceed 60 dB DNL when the noise source is transportation related. In addition, interior noise exposures are not to exceed 45 dB DNL. The Noise Element also states that residential development in close proximity to major thoroughfares, in the Downtown Core Area, along railroads and in the vicinity of San Jose International Airport have noise exposures that may not be able to meet the noise standards in the time frame of the General Plan. For these cases, staff has supported 65 dB DNL as the near-term exterior noise standard.

The noise report found the existing noise environment is due primarily to vehicular traffic on US 101 and Interstate 280. The analysis found noise exposure excesses up to 76 dB DNL occur at the site and mitigation measures will be required. Noise exposure at or above 76 dB DNL is considered hazardous to health by the EPA.

The project proposes thick sound-rated windows, noise attenuating building materials, and mechanical ventilation to provide

the required 45 dB DNL interior living environment. The exterior areas of the project will be shielded by a 12' high sound wall along the eastern property line. By incorporating the mitigation measures suggested in the noise report, the project will be able to achieve exterior noise levels of 65 dB DNL across the site, including in private open spaces, and the required interior noise levels of 45 dB DNL.

## **GENERAL PLAN CONFORMANCE**

The proposal, at a net density of 25.2 DU/AC, does not conform to the General Plan Land Use Designation of Medium High Density Residential (12-25 DU/AC). The reason that this project does not conform to the applicable land use density is that all fractional project densities are rounded up. This property's General Plan Land Use Designation was changed by the City Council on September 3, 2002 from Medium Density Residential (8-16 dwelling units/acre) to Medium High Density Residential (12-25 dwelling units/acre).

The project could be considered consistent with the San Jose 2020 General Plan Land Use/Transportation designation of Medium High Density Residential (12-25 DU/AC) using the 'Two-Acre Rule' Discretionary Alternate Use Policy. To encourage infill development with innovative design solutions on existing parcels less than two acres in size, this policy allows land uses other than that designated on the Land Use/Transportation Diagram as follows: parcels with a residential land use designation may be developed at a density that is appropriate based on compatibility with surrounding land uses, provided the project is of exceptional design.

In staff's opinion, it is inappropriate to recommend use of a discretionary alternate use policy to increase density in light of the recent deliberations and approval of a revised density for the site. Instead, staff would recommend approval of a revised project with one fewer unit. In addition, for reasons discussed below in detail, staff believes the proposed project design is deficient, and therefore does not qualify as an exceptional or innovative design that warrants use of the Two-Acre Rule for increased density. This would have the additional benefit of improving the site design, which is also discussed in the analysis section.

## **ANALYSIS**

The primary project issues are land use compatibility with the freeway, setbacks from adjacent residential uses, and from the front property line and conformance with the Residential Design Guidelines standards private open space. The project has been evaluated in terms of the standards for rowhouse development.

***Freeway Interface.*** The freeway noise and elevated connector ramp are key site development constraints and must be key considerations in the project design. Staff believes the project places residences too close to the freeway and inappropriately orients private open spaces for the units nearest the freeway. The guidelines call for a 35 foot setback for residential buildings from freeways. An exception is allowed for a minimum 25 foot setback when behind a soundwall and the average structure setback is 40 feet.

The project places the easternmost building (Building C) with only a ten-foot setback from the elevated US 101/Interstate 280 connector. There is a sound wall proposed, but the wall will not shield the site from the freeway connector 35 feet above grade. As mentioned above, mitigation is available to provide 45 dB DNL interior living environments, and the noise report indicates that the noise will be mitigated down of an exterior level of 65 dB DNL. However, the proposal puts the unit nearest the freeway so close to the connector that it will appear to tower over the unit. That, in combination with the sound wall less than 10 feet from the unit compromises the livability of the unit and its open space. An appropriate solution would be to eliminate one unit from the plan, and increase the setbacks from the sound wall and the freeway connector to 25 feet, consistent with the Residential Design Guidelines. Eliminating one unit would also bring the project into conformance with the applicable General Plan Land Use Designation.

***Setbacks from Adjacent Residential.*** The project does not meet minimum Residential Design Guideline standards for setbacks from the rear yards and private open spaces of the adjacent mobile homes to the north and the single-family residence to the south. The Residential Design Guidelines call out a minimum 20 foot setback for buildings from the rear yards and private open spaces of adjacent residential units. The setbacks for the three buildings that run along the northern property line is 5 feet, with two of the water heaters for Building C at an even smaller setback. The setbacks for the two buildings along the southern property line is also 5 feet. The proposed buildings will have definite impacts on the usability of the mobile homes' private open spaces, because of the two-story shadows they cast and because of the reduction in privacy in the mobile homes' rear yards. Staff is recommending that the project be redesigned to maintain a 20 foot setback from the northern and southern property lines, consistent with the Residential Design Guidelines.

***Setbacks from the Front Property Line.*** The project does not meet minimum Residential Design Guideline standards for setbacks from the front property line. The Residential Design Guidelines call out a minimum 15 foot first and 18 foot second floor setbacks from the front property line. In the current proposal, both the first and second floor setbacks are substandard, and the relationship between the two is inverted. The proposed setbacks for the two buildings that front on to Bonita Avenue are 14 feet for the first floor and 10 feet for the second floor, which is reversed from the scenario the Residential Design Guidelines propose. The buildings will appear to loom over the front property line. Staff is recommending that the project be redesigned to maintain the 15 foot first floor and 18 foot second floor setbacks from the front property line, consistent with the Residential Design Guidelines. It is important to maintain setbacks in order to maximize the opportunities for buffering landscaping.

***Provision of Private Open Space.*** The proposed site plan will create units that have private open spaces of between 140 and 250 square feet in area, with a minimum dimension as small as 5 feet. The Residential Design Guidelines for rowhouses call out minimum 400 square foot private open spaces, with a minimum dimension of 15 feet. Part of the problem in accommodating this standard is the fundamental design of the units themselves. The two bedroom units that are proposed are relatively narrow, with a 14 foot exterior width. This width limits the minimum open space dimension to a maximum of 14 feet. In addition, the developer is proposing to put water heater closets on the back porch, encroaching into the proposed private open space. Staff understands that in this case, the Residential Design Guidelines rowhouse designation is not a perfect fit for the type of development that is being proposed, because the dwelling unit density is significantly higher (25 DU/AC) than the densities normally proposed for rowhouses (16 DU/AC). Nevertheless, the private open space provided is seriously substandard, especially given the encroachment of the water heater closets. Staff is recommending redesign of the project, in order to create the minimum 300 square foot open spaces, with a minimum dimension of 14 feet, which would accommodate the current unit width and help to accommodate proposed unit densities.

***Site Design and Architecture.*** As proposed, the project orients all of the units along Bonita Avenue to face the street, with readily visible entryways, which is positive from a streetscape standpoint. The applicant has proposed a building design with a significant amount of articulation, and varied roof pitches. It is staff's opinion that the roof pitches of the building could be simplified to provide additional cohesiveness to the buildings, and that the project architecture should be refined at the PD permit stage.

## **CONCLUSION**

The project proposes 32 units on 1.27 acres at a net density of 25.2 DU/AC, or one unit in excess of the maximum 31 units anticipated under the site's General Plan designation of Medium High Density Residential (12-25 DU/AC). Staff supports the project because it provides needed infill ownership housing that is intended to be reasonably priced. Staff does not support an increase in density under the 'Two-Acre Rule' Discretionary Alternate Use Policy, which requires qualifying projects to feature innovative or exceptional design overall for both the site layout and buildings. The project design is deficient, both in terms of setbacks from the freeway, from the adjacent residential uses, and from Bonita Avenue, and deficient in private open space for all units. Any reduction in perimeter setbacks translates into less perimeter landscaping. In order to promote compatibility with the adjacent neighborhood and surrounding uses, and to provide necessary amenities, staff believes that the project should be redesigned with one fewer unit, and with appropriate perimeter setbacks and open

space requirements. In order to provide these amenities, the developer will likely have to propose an additional reduction in the number of dwelling units at the PD permit stage.

Staff is recommending approval of the project, with conditions that would require conformance with the General Plan Land Use Designation and the applicable Residential Design Guidelines.

### **COMMUNITY OUTREACH**

A public hearing notice for the project was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site. A community meeting was held October 2, 2002. The primary topics of discussion were traffic from the project site and the relationship between the project and a possible public park underneath the 101/280/680 interchange. The neighborhood was concerned about the increase in traffic, and wanted to know the extent that the project's park fees would fund the creation of the interchange park. Parks fees from the project would be in the range of \$200,000 for the project which would cover approximately 5% to 7% of the estimated \$3 to \$4 million dollar cost to construct the proposed park.

### **RECOMMENDATION**

Planning staff recommends the Planning Commission forward a recommendation of **conditional approval** and the City Council **conditionally approve** the project for the following reasons:

1. The proposed rezoning does not conform to the subject site's General Plan Land Use Diagram Designation of Medium Density Residential (12-25 DU/AC).
2. The project, with a design that is deficient rather than innovative or exceptional, does not qualify for additional density under the 'Two-Acre Rule' Discretionary Alternate Use Policy, which encourages infill development with innovative and exceptional design solutions on existing parcels less than two acres in size by allowing land uses other than that designated on the Land Use/Transportation Diagram.
3. The proposed project does not conform to the Residential Design Guidelines. The project provides an inadequate interface with both the freeway and with adjacent residential units, and the private open spaces provided fail to meet minimum requirements both in minimum area and minimum linear dimension.

The conditional approval should include the following conditions:

1. A reduction of the number of units to 31, in compliance with the General Plan Land Use Designation of Medium High Density Residential (12-25 dwelling units/acre) for the site.
2. A minimum building setback from the eastern property line of 25' in conformance with the Residential Design Guidelines.
3. A minimum building setback from the northern and southern property lines of 20 feet, in conformance with the Residential Design Guidelines.
4. Minimum front setbacks of 15 feet from the first floor and 18 feet from the second floor, per the Residential Design Guidelines.
5. Minimum private open spaces of 400 square feet in area with a minimum dimension of fifteen feet for all units, per the

Residential Design Guidelines.

C: Mike Keaney, HMM Engineers, Inc., 1570 Oakland Rd., Ste. 200 San Jose, CA 95161-1510

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